

1965

## National Foundation on the Arts and Humanities (1965-1967): Report 02

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## ESTABLISHING A NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JUNE 8 (legislative day, JUNE 7), 1965.—Ordered to be printed

Mr. PELL, from the Committee on Labor and Public Welfare,  
submitted the following

### REPORT

[To accompany S. 1483]

The Committee on Labor and Public Welfare, to whom was referred the bill (S. 1483) to provide for the establishment of a National Foundation on the Arts and the Humanities to promote progress and scholarship in the arts and the humanities throughout the United States, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

### INTRODUCTION

S. 1483 contains the proposals of the administration of President Lyndon B. Johnson for the establishment of the above Foundation. As amended, S. 1483 also contains important provisions and objectives found in closely related legislation introduced during the first days of the 89th Congress by Senators Ernest Gruening, Jacob K. Javits, and Claiborne Pell. Senators Gruening and Javits are cosponsors of S. 1483, introduced on March 10 by Senator Pell, together with the many other Senators listed below in this report. The committee believes that S. 1483 is the most comprehensive legislation of its kind ever to have come to the attention of the Congress, and that it contains the best elements to be found in the historic development of the legislation described later in the report.

As President Johnson said in transmitting the administrations proposals:

This Congress will consider many programs which will leave an enduring mark on American life. But it may well be that passage of this legislation, modest as it is, will help secure for this Congress a sure and honored place in the story of the advance of our civilization.

S. 1483 has received the enthusiastic endorsement of leading representatives of the arts and humanities who testified at the 7 days of public hearings described below, and of civic leaders, scientists, and businessmen who emphasized that this legislation is of great importance to our welfare and to the goals we seek as a nation.

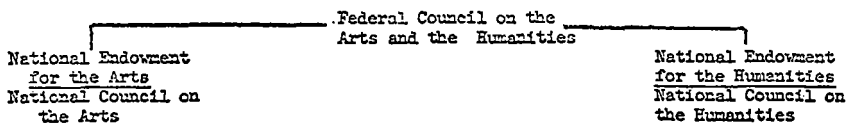
### EXPLANATION OF THE BILL

**Purpose of the Foundation:** To develop and promote a broadly conceived national policy of support for the arts and humanities throughout the United States.

The bill establishes a National Foundation on the Arts and the Humanities, consisting of a National Endowment for the Arts, a National Endowment for the Humanities, and a Federal Council to insure coordination between the two endowments and with related Federal programs.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

(In the Executive Branch of the Government)



#### *Nine* Federal Council

The ~~seven~~ *seven*-member Federal Council is composed of the Chairmen of the two Endowments, the U.S. Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, and a member designated by the Secretary of State.

*Arts* *Gallery of Art, Chairman of National* *Director of National* *Chairman of Commission of* *Fine Arts,*

The National Endowment for the Arts provides matching grants to States, to nonprofit or public groups and to individuals engaged in the creative and performing arts for the whole range of artistic activity. Under special circumstances matching is not required. Where appropriate, renovation or construction of facilities are included.

The National Council on the Arts established in 1964 by Public Law 88-579 is transferred to the National Endowment for the Arts and increased by 2 members to 26, plus the Chairman of the Council who becomes Chairman of the Endowment. The Council, composed of private citizens, advises the Chairman on policies and programs and reviews applications for financial assistance.

#### *Humanities*

The National Endowment for the Humanities provides grants and loans for research, awards fellowships and grants to institutions for training, supports the publication of scholarly works, provides for the interchange of information, and fosters understanding and appreciation of the humanities.

The bill establishes a National Council on the Humanities appointed by the President and composed of 26 private citizens and the Chairman of the Humanities Endowment, as Chairman of the Council. The Council advises the Chairman on policies and programs and reviews applications for financial assistance.

*Funding*

Each Endowment is authorized \$5 million for each of fiscal years, 1966, 1967, and 1968.

A major objective of this legislation is to stimulate private philanthropy for cultural endeavors and State activities to benefit the arts. For these purposes an additional annual maximum of \$5 million for the Humanities Endowment and \$2.25 million for the Arts Endowment are authorized to match funds donated from private sources; and \$2.75 million is authorized for the Arts Endowment, to enable each of the States (55 entities in all, including the District of Columbia and the territories) having a State arts agency to receive an annual grant of up to \$50,000 on an even matching basis.

For States without such an agency, a one-time grant of up to \$25,000 (no matching requirements) would be made from these earmarked State funds. This would allow such States to conduct a survey leading to the establishment of a State agency for the arts and enable them to qualify for a \$50,000 matching grant in subsequent years.

Also, for each fiscal year, 1966, 1967, and 1968, the Office of Education is authorized \$500,000 for payments to State educational agencies for equipment and minor remodeling related to the arts and humanities; and for each of those fiscal years, \$500,000 for training institutes to strengthen the teaching of the humanities and the arts in elementary and secondary schools.

*Definitions*

The term "humanities" includes, but is not limited to, the study of the following: language, both modern and classic, and linguistics; literature, history, jurisprudence, and philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

The term "the arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms.

*Federal authorization minimums and maximums for the two Endowments in a fiscal year*

Minimum: \$5 million for each Endowment; a total of \$10 million.

Maximum: Depending on the availability of sums donated from private sources and matching sums provided by the States, up to \$10 million for each Endowment; a total of \$20 million.

**FREEDOM OF EXPRESSION**

It is the intent of the committee that in the administration of this act there be given the fullest attention to freedom of artistic and humanistic expression. One of the artist's and the humanist's great values to society is the mirror of self-examination which they raise so that society can become aware of its shortcomings as well as its strengths.

*\$10.7 million appropriated  
for beginning activities - \$700,000 for  
administrative costs*

Moreover, modes of expression are not static, but are constantly evolving. Countless times in history artists and humanists who were vilified by their contemporaries because of their innovations in style or mode of expression have become prophets to a later age.

Therefore, the committee affirms that the intent of this act should be the encouragement of free inquiry and expression. The committee wishes to make clear that conformity for its own sake is not to be encouraged, and that no undue preference should be given to any particular style or school of thought or expression. Nor is innovation for its own sake to be favored. The standard should be artistic and humanistic excellence. While evaluation in terms of such an abstract and subjective standard will necessarily vary, the committee believes such a standard to be sufficiently identifiable to serve the broad purpose of the act and the committee's concern with the cultural values involved.

### COMMITTEE ACTION

Two bills, S. 310 and S. 315, to provide for a National Arts Foundation, and two bills, S. 111 and S. 316, to provide for a National Humanities Foundation (including the arts) were the subject of 7 days of public hearings before the Congress on February 23, 24, 25, 26, and March 3, 4, and 5, 1965. The hearings on February 23 and March 3 were held jointly by the Senate Special Subcommittee on Arts and Humanities and the House Special Subcommittee on Labor. On the other days, the hearings were before the Senate special subcommittee.

The Subcommittee on the Arts, which was created in the 2d session of the 87th Congress, was retitled to include the humanities in the 89th Congress and placed, as was its parent special subcommittee, under the chairmanship of Senator Claiborne Pell, with Senators, Ralph Yarborough, Harrison A. Williams, Jr., Joseph S. Clark, Edward M. Kennedy, Jacob K. Javits, and George Murphy serving as members.

S. 310 was introduced by Senator Javits, ranking minority member of the committee and of the subcommittee. Senator Javits, who has been the congressional pioneer in legislation closely allied to the present bill and whose efforts in behalf of the Nation's cultural progress date back to 1949 when he was a Member of the House of Representatives, greatly contributed to the final version of the legislation favorably reported by the committee. A major amendment, introduced by Senator Javits and approved, specifies that \$2.75 million be earmarked to help support and stimulate worthwhile arts activities through the various States.

In respect to State funding provisions, it is noteworthy that the principle of matching grants to the States was first contained in a bill introduced by Senator Clark and mentioned later in this report.

S. 111 was introduced by Senator Gruening. The important objectives in S. 111 are contained in the final committee version of the legislation. In addition, Senator Gruening introduced an amendment which was approved and which gives added substance to the definition of the humanities, with particular respect for the country's need for better instruction in the classics and in the field of linguistics.

S. 315 and S. 316 were introduced by Senator Pell, chairman of the Special Subcommittee on the Arts during the 87th and 88th Congresses and of the Special Subcommittee on Arts and Humanities during the 89th Congress.

Hearings on S. 111, S. 310, S. 315, and S. 316 produced two volumes of testimony from witnesses active in the major fields pertaining to the arts and humanities, and from Federal officials concerned with these cultural areas. The overwhelming preponderance of the testimony favored action by the Congress to establish in the Federal Government a national foundation to benefit both the arts and the humanities by means of one independent agency.

Subsequent to the hearings and in answer to requests by the chairmen of the two subcommittees (Senate and House), President Lyndon B. Johnson's administration transmitted to the respective chairmen for their introduction the administration proposals in bill form. This bill, S. 1483, was introduced by Subcommittee Chairman Pell on March 10, 1965, and was cosponsored on that day by Senators Gruening and Javits, as the other two Senators who, along with the subcommittee chairman, had introduced previously in the 89th Congress the related predecessor legislation.

Senator Yarborough, ranking majority member of the subcommittee and long a champion of legislation to enhance the Nation's cultural progress, also took the lead in cosponsoring S. 1483.

This bill has now been cosponsored by all members of the subcommittee and by the other Members of the Senate listed below in this report.

The administration bill, which reflected the major objectives in the legislation introduced earlier and which was the result of cooperation between agencies concerned with the arts and humanities in the executive branch, was distributed for comment to the witnesses who had testified at the hearings and to other distinguished representatives of the arts and humanities in the United States. (These comments are found in appendix B of part II of the hearings (pages 737, et seq.))

Reaction was favorable and enthusiastic. It was generally expressed that the provisions of S. 1483 were in accord with the testimony of the witnesses, both governmental officials and private citizens, and that the administration bill further refined the objectives of the legislation previously introduced in the following significant respects: (1) there was a clearer delineation between the arts and humanities within the one overall structure; (2) there was a more definite means of providing equal funding between the two areas; and (3) there was a more tangible method of insuring coordination between the two allied cultural fields and with existing Federal programs.

As a result, S. 1483 became the vehicle for the final drafting of the bill. Amendments were approved to incorporate pertinent recommendations by the witnesses and the best elements in all the Senate bills pertaining to the arts and humanities introduced during the 89th Congress.

#### SPONSORS OF S. 1483

The following Senators are sponsors of the bill: Anderson, Bartlett, Bass, Bayh, Brewster, Burdick, Byrd (West Virginia), Case, Clark, Cooper, Dodd, Douglas, Fong, Gruening, Hart, Hartke, Inouye, Jackson, Javits, Kennedy (Massachusetts), Kennedy (New York), Kuchel, Long (Missouri), McCarthy, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale, Montoya, Morse, Moss, Murphy, Muskie, Neuberger, Nelson, Pastore, Pell, Randolph, Ribicoff, Tydings, Williams (New Jersey), and Yarborough.

## GOVERNMENT AGENCY SUPPORT

### *Budget Bureau and Department of Health, Education, and Welfare*

"Enactment of this legislation would constitute a commitment on the part of the Federal Government to work in cooperation with public agencies, institutions of higher education, museums, and other nonprofit groups, and individuals toward the improvement of the status of the arts and the humanities in the Nation. With that purpose this Department is wholeheartedly in accord \* \* \*

"We are advised by the Bureau of the Budget that there is no objection to the presentation of this report and that enactment of S. 1483 would be in accord with the President's program." (Report to committee chairman, Senator Lister Hill, from the Department of Health, Education, and Welfare.)

(From the printed hearings the following quotations are pertinent:)

### *Department of State*

"For this and other international activities that we conduct, a broader and stronger domestic base would be beneficial. We therefore welcome all efforts directed to the encouragement and invigoration of the arts and humanities in this country. For among the many benefits of such a development would be the stimulation of broader studies of American life, of the individual and group performing arts, of scholarship itself. The exchange program abroad requires the continuing sustenance of arts and learning here at home. (The exchange program needs) a much larger base from which to draw in this country." (From the statement of Harry C. McPherson, Jr., Assistant Secretary of State for Educational and Cultural Affairs, March 3, 1965.)

"We believe that the proposals under S. 1483 will strengthen the arts and humanities in this country. They will accordingly strengthen the Bureau's exchange programs abroad, which must rely heavily for their success on the health of the arts and humanities at home." (From a letter from Arthur W. Hummel, Jr., Deputy Assistant Secretary of State, to Subcommittee Chairman Pell in the temporary absence of Assistant Secretary McPherson.)

### *Smithsonian Institution*

"I sincerely hope that legislation is enacted this year which will enable the Federal Government to \* \* \* assist \* \* \* the advancement of the humanities and arts \* \* \* to the end that the United States demonstrates its high qualities as a leader in the realm of ideas and of the spirit." (S. Dillon Ripley, Secretary, commenting on S. 1483.)

### *Library of Congress*

"The Library supports the proposal for the establishment of such a Foundation." (L. Quincy Mumford, Librarian of Congress, commenting on S. 1483.)

### *National Science Foundation*

"I am pleased to give full support to S. 1483 \* \* \* In my statement in the Foundation's 14th Annual Report to the President of January 15, 1965, I observed that a primary objective of the Federal

Government should be and is to make sure that our capabilities in the areas of science and technology are the very best the social structure can produce. I am convinced that Federal support for the arts and humanities will serve to promote this objective and that it will ultimately bring added strength and vitality to our science and technology." (Leland J. Haworth, Director.)

*U.S. Atomic Energy Commission*

"I have read carefully the bill S. 1483 \* \* \* and I heartily endorse it." (Glenn T. Seaborg, Chairman.)

## COMMISSION ON THE HUMANITIES

"The humanities and arts are of central importance to our society and to ourselves as individuals. They at once express and shape our thoughts. They give us the beautiful to see and teach us what to look for \* \* \* Our use of knowledge is inseparable from our ability to express it in words and shapes. Only through the best ideas and the best teaching can we cope with the problems that surround us and the opportunities that lie beyond these problems. Our fulfillment as a Nation depends on the development of our minds; and our relations to one another depend upon our understanding of one another and of our society. The humanities and arts, therefore, are at the center of our lives and are of prime importance to the Nation and to ourselves. Very simply stated, it is in the national interest that the humanities and arts develop exceedingly well." (From the statement of Dr. Barnaby C. Keeney, president of Brown University and Chairman of the Commission on the Humanities, before the Special Subcommittee on Arts and Humanities, March 24, 1965.)

In 1964, the Commission on the Humanities—consisting of the American Council of Learned Societies, the Council of Graduate Schools in the United States, and the United Chapters of Phi Beta Kappa, published its report urging establishment of a national foundation to benefit the humanities and arts. This 222-page document gave important impetus to the legislation included in this report.

Together with Dr. Keeney, the presidents of these three distinguished groups, representing the views of virtually the entire academic community and its scholarly endeavors in the United States, testified at the subcommittee hearings. They have joined in unanimous endorsement of S. 1483.

## SUPPORT OF ORGANIZED LABOR IN THE HEARINGS

"We are in full agreement with the purposes (of this legislation) and view it as a constructive means for conserving our Nation's human resources while promoting the performing arts—and indeed all arts—as an essential component of the Great Society toward which organized labor and the vast majority of Americans are striving." (Andrew J. Biemiller, director, Department of Legislation, AFL-CIO.)

"The new bill S. 1483 is, on the whole, an excellent bill and much improved over the bills which were considered by your subcommittee as well as the subcommittee in the House." (Hy Faine, national executive secretary, American Guild of Musical Arts.)



## SUPPORT OF THE BUSINESS COMMUNITY IN THE HEARINGS

Representative of endorsement of the business community for the legislation is the following passage from a statement transmitted to the chairman of the subcommittee by Thomas J. Watson, Jr., chairman of the board, International Business Machines Corp.:

"A thorough grounding in the humanities is, I believe, vital training for many kinds of leadership, including the preparation of leaders who can manage people with wisdom and understanding. The need for such leaders exists today, and I believe will intensify in the future in universities, in public service and in business."

### *Museums and business enterprises*

"Many smaller American communities are observing the truth of the survey made by the U.S. Department of Commerce itself, that an average of only 28 tourists a day visiting a town with historic attractions (i.e., a history museum) will bring in as much money during the year as a new industry or business with a \$100,000 annual payroll." (Otto Wittmann, vice president of the American Association of Museums and member of the National Council on the Arts.)

## REASONS FOR THE BILL AND ITS BENEFITS

(AS REFLECTED IN THE TESTIMONY OF THE HEARINGS)

1. There is a financial crisis facing the arts in the United States, which stems primarily from the inadequacy of private sources to support artistic excellence at an appropriate level and to foster and develop an environment which would fully stimulate the resources of American creative expression.

2. There is at present a serious imbalance between Federal support for the natural or pure sciences and for humanistic research and studies.

This imbalance was stressed by the leading witnesses at the hearings, both governmental officials and private citizens. Statements emphasized that continuing support for the sciences is essential to the national interest, but that support for the humanities is of similarly deep consequence; for the humanities are at the very basis of those qualities essential to achieving the goals of a leading democratic society: Sound judgment, clear understanding, an ability to analyze the past wisely and constructively in terms of the present and future.

The proposed Foundation—giving key recognition to the values of the humanities and arts as central to our national purpose and progress—would best serve to correct the imbalance. Any lesser measure would prove insufficient.

3. The arts and humanities are closely allied partners. The programs of the two Endowments would be mutually beneficial; each would serve to strengthen the other. Knowledge in the humanities is fundamental both to the practice and appreciation of art. The arts flourish best in a climate in which they are fully understood and appreciated; and the arts translate into tangible, creative, and abiding form, the scope of human knowledge.

4. The Foundation would serve to decentralize the arts in the United States, so that artistic excellence could be enjoyed and appreciated by far greater numbers of our citizens, in each State of the

Union, in the District of Columbia, and in the territories. Increasingly, the States themselves are encouraging the development of the arts within their borders.

In addition to their esthetic content and their uplift of the human spirit, the arts have many practical applications in such fields as architecture and within the whole range of the design of products we use in our daily lives. Excellence in these fields is essential to a leading and prosperous society.

5. The Humanities Endowment, emphasizing quality rather than quantity, and research at the highest levels of education, would serve to strengthen teaching, to improve university curricula, and to attract the best teaching talents to humanistic studies. Witnesses pointed to the growing scarcity of talented teachers in the humanities, and to the increasing difficulties with regard to their recruitment.

6. The Foundation would have a profound impact on the burgeoning desire on the part of our citizens for greater exposure to cultural excellence. This desire is manifestly related to the increasing availability of leisure time in an era of growing prosperity. The committee believes that leisure can bring to our Nation great new opportunities for self-improvement and fulfillment and that the activities of the Foundation would be significantly in accord with this concept.

7. Almost alone among the major governments of the world, the U.S. Government until recently has displayed relatively little concern for the development and encouragement of the artistic and cultural resources of its citizens. The National Council on the Arts, established in 1964, was an important first step taken to correct this situation. A comprehensive and well-coordinated program, however, is urgently needed to implement this partial beginning and make it fully meaningful. The Foundation would serve this purpose.

8. The broad-based programs envisaged by the Foundation would serve not only to deepen our understanding of our friends and allies throughout the world, but would strengthen the projection of our Nation's cultural life abroad and enable us better to overcome the increasing "cultural offensive" being waged by Communist ideologies (detailed on pp. 647-664 of the hearings).

9. The partnership between the arts and humanities implicit in the Foundation would lead to a better comprehension of man in relation to his environment, in such areas as the proper growth of our cities, the better evaluation of behavioral problems and their solutions, the better adaptation of our modern technology to the exchange of information.

10. The Foundation would serve to coordinate the activities of private citizens, distinguished in the arts and humanities and concerned with their full development: Our Nation's leading artists and scholars, and cultural leaders in the States and local communities.

## GOVERNMENTAL ASSISTANCE TO THE ARTS AND PRIVATE FUNDING

Perhaps the best example to demonstrate that governmental support and assistance serves to stimulate private funding for the arts is contained in the 4-year history of the New York State Council on the Arts.

The council began its activities with a survey of needs. During its first year (1961-62) the Council operated with a budget of \$450,000 over 70 percent of which was supplied by its State appropriation, the remainder coming from private sources. During 1964-65, the ratio was entirely reversed, with almost 75 percent of a larger budget (\$562,000) coming from private funding and the remainder from the State. The Council's appropriation in 1961-62 was \$330,000; in 1964-65, this has been more than halved—to \$153,000.

During the same period the number of communities served by the Council doubled, from 46 to 92; the number of performances tripled, 92 to 277; and the number of touring companies aided by the council increased almost twelvefold, from 6 to 71. (From the testimony of John Hightower, executive director of the Council.)

A special report prepared for the U.S. Office of Education and printed in the hearings calls the New York State Council on the Arts "the most developed State council in the country," and continues: "New York has also amply demonstrated that a State can assist and further the arts without loss of freedom—without setting up controls."

The bill is intended to encourage this type of State activity in the arts. More than half of the 50 States in the Union now have established State art agencies. More are in the immediate process of formation. (For details see pp. 19-28 and pp. 36-37 in the hearings.)

### HISTORICAL BACKGROUND OF S. 1483

S. 1483 has been a long time in evolving. President Washington recognized the arts as central to our national well-being and other great Presidents throughout our history have given emphasis to artistic achievement. In 1891 the 51st Congress enacted Public Law 159 creating the National Conservatory of Music. Among its trustees were the leaders of the day, including William G. Choate, Chauncey M. Depew, Enoch Pratt, and John Hay, and its faculty included Victor Herbert. The academy was responsible, for example, for bringing Anton Dvorak to this country during which time he wrote the "New World Symphony."

In later years efforts were made to reestablish the academy. Senator Duncan V. Fletcher, of Florida, introduced bills to this effect in almost every session of Congress from 1919 through 1931. His endeavors were later taken up by Senator Wadsworth, of New York, in 1937.

Congressional proposals first introduced in 1897 for a National Office of the Arts were responsible for the establishment in 1909 of the National Fine Arts Commission, a compromise which while not as ambitious as the original proposal was nevertheless considered a step forward.

In the postwar years, Senator (then Congressman) Javits in the 81st and subsequent Congresses introduced legislation to encourage the arts, and in 1955 the relationship between Government and the arts became more manifestly defined. That year, in his state of the Union message, President Eisenhower advocated a Federal Advisory Commission on the Arts within the Department of Health, Education, and Welfare. President Eisenhower said:

In the advancement of the various activities which would make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

#### *Eighty-fourth Congress*

On April 14, 1956, a special subcommittee of the Committee on Labor and Public Welfare, under the chairmanship of the late Senator Herbert Lehman, with the late Senator James Murray, the late President, then Senator John F. Kennedy, Senator H. Alexander Smith of New Jersey, and the late Senator Irving Ives as members, held a public hearing on the Eisenhower administration's proposal to create a Federal Advisory Commission, contained in S. 3054, and on a bill to establish a Federal Advisory Council on the Arts, S. 3419, introduced by Senators Lehman, Ives, Murray, and Paul Douglas.

On July 3, 1956, the full committee reported the Lehman bill, with amendments, favorably to the Senate (S. Rept. 2409). This bill, without further amendment, passed the Senate on July 5, 1956, but was subsequently tabled in the House Committee on Education and Labor.

#### *Eighty-fifth Congress*

In the 85th Congress similar bills were introduced, one by Senator Smith of New Jersey, on behalf of the administration, S. 1716, and another by Senators Hubert Humphrey, Paul Douglas, and Jacob Javits, S. 3930.

On May 23, 1957, the Subcommittee on Education of this committee, under the chairmanship of Senator Murray, held a public hearing on these proposals. No further action occurred in either House in the 85th Congress on this proposed legislation.

#### *Eighty-sixth Congress*

During the 86th Congress, Senator Humphrey again offered a proposal (S. 447) to establish a Federal Advisory Council with the cosponsorship of Senators Murray, Douglas, and Javits. No administration bill was offered in the 86th Congress, and no hearings were held in either House on this proposal, although a single hearing was conducted by a subcommittee of this committee, under the chairmanship of Senator Yarborough, on a bill introduced by the late Senator Francis Case of South Dakota, providing for a National Academy of Culture, at which the sole witness was the late Robert Frost.

#### *Eighty-seventh Congress*

President Kennedy, in his message relative to an educational program, dated February 6, 1962 (H. Doc. 330), urged approval of a measure establishing a Federal Advisory Council on the Arts:

Our Nation has a rich and diverse cultural heritage. We are justly proud of the vitality, the creativity, and the variety of the contemporary contributions our citizens can offer to the world of the arts. If we are to be among the leaders of the world in every sense of the word, this sector of our national life cannot be neglected or treated with indifference. Yet, almost alone among the governments of the world, our Government has displayed little interest in fostering cultural development. Just as the Federal Government has not, should not, and will not undertake to control the subject

matter taught in local schools, so its efforts should be confined to broad encouragement of the arts. While this area is too new for hasty action, the proper contributions that should and can be made to the advancement of the arts by the Federal Government—many of them outlined by the Secretary of Labor in his decision settling the Metropolitan Opera labor dispute—deserve thorough and sympathetic consideration. A bill (H.R. 4172) already reported out to the House would make this possible and I urge approval of such a measure establishing a Federal Advisory Council on the Arts to undertake these studies.

The Special Subcommittee on the Arts held hearings not only on the proposal recommended by the President (S. 741, companion bill to H.R. 4172), but on two other bills which had never had the benefit of public airing by any committee. These bills, S. 785 and S. 1250, both proposed that the Federal Government make grants either, as in S. 785, introduced by Senator Clark, to assist the States to develop programs or projects in the arts or, as in S. 1250, introduced by Senator Javits, to assist professional groups engaged in the performing and visual arts to provide productions of these arts throughout the country.

The full committee, in its executive consideration of S. 741 on September 25, 1962, approved an amendment offered in the nature of a substitute, and ordered reported to the Senate the substitute bill. The substitute was in essence a combination of the principal features of S. 785 and S. 1250. Because the Congress adjourned shortly after S. 741 was reported, the bill received no further consideration in the 87th Congress.

#### *Eighty-eighth Congress*

During the 88th Congress, for the first time in the Nation's history, legislation was enacted to establish a National Council on the Arts. Public Law 88-579 of September 3, 1964, resulted from title I of S. 2379, a combination of two bills brought before the first session of that Congress (S. 1316 introduced by then Senator Humphrey, and S. 165 introduced by Senator Javits). Title II of S. 2379 provided for the establishment of a National Arts Foundation. Both titles of S. 2379 were passed by the Senate on December 23, 1963. Only title I was approved by the House of Representatives. Late in the 2d session of the 88th Congress, the Senate accepted the House version of the legislation. Thus the National Council on the Arts was established. The Foundation provisions were revived in the 89th Congress.

The concept of greater Federal support for the humanities had also been before the 88th Congress; but no forward action resulted. Giving impetus to this concept, however, was a report published in 1964 by the Commission on the Humanities (mentioned earlier). The report called for the establishment of a national humanities foundation as a much-needed independent Federal agency.

Mention should also be made in this survey of the report published on May 29, 1963, by August Heckscher, special consultant on the arts to President Kennedy, and entitled "The Arts and the National Government." Mr. Heckscher's recommendations have partially been fulfilled; the position he had held has been continued and is currently occupied by Roger L. Stevens, special assistant on the arts to the President; the National Council on the Arts has been estab-

lished by statute. Mr. Heckscher's third recommendation for a foundation to benefit the arts is incorporated within the structure of S. 1483.

#### *Eighty-ninth Congress*

In his State of the Union message, President Lyndon B. Johnson endorsed the concept of a national arts foundation. Shortly before his election he also endorsed the concept of added Federal support for the humanities, in keeping with the objectives defined in the Commission report.

The committee, recognizing the close relationship and the mutually beneficial partnership existing between the two broad cultural areas, arts and humanities, has endorsed the combined approach defined in S. 1483.

In his statement accompanying transmittal of the administration bill to the Congress, President Johnson declared in part:

The humanities are an effort to explore the nature of man's culture and to deepen understanding of the sources and goals of human activity. Our recommendations recognize this effort as a central part of the American national purpose, and provide modest support to those whose work offers promise of extending the boundaries of understanding.

Pursuit of artistic achievement, and making the fruits of that achievement available to all its people, is also among the hallmarks of a Great Society.

We fully recognize that no government can call artistic excellence into existence. It must flow from the quality of the society and the good fortune of the Nation. Nor should any government seek to restrict the freedom of the artist to pursue his calling in his own way. Freedom is an essential condition for the artist, and in proportion as freedom is diminished so is the prospect of artistic achievement.

But government can seek to create conditions under which the arts can flourish; through recognition of achievements, through helping those who seek to enlarge creative understanding, through increasing the access of our people to the works of our artists, and through recognizing the arts as part of the pursuit of American greatness. That is the goal of this legislation.

In so doing we follow the example of many other nations where government sympathy and support have helped to shape great and influential artistic traditions.

This Congress will consider many programs which will leave an enduring mark on American life. But it may well be that passage of this legislation, modest as it is, will help secure for this Congress a sure and honored place in the story of the advance of our civilization.

### AMENDMENTS

During executive consideration of S. 1483, the following amendments were approved by the committee:

1. To provide \$2,750,000 specifically for the States' arts programs described earlier in this report. Subsections (h) and (i) in section 5, and subsection (c) in section 11 were added to the bill for this purpose.

2. The activities of the Federal Council on the Arts and the Humanities were expanded so that it could "plan and coordinate appropriate participation (including productions and projects) in major and historic national events." Subsection (4) was added to section 9 for this purpose. A National Festival of the Arts to coincide with Presidential Inaugurations has been suggested; this and similar activities would seem an appropriate function of the Council.

3. The definition of the humanities in section 3(a) was expanded to include the study of language "both modern and classic, and linguistics" and the study of "jurisprudence." With regard to "jurisprudence," the intent is to include appropriate areas of humanistic study related to the more than 100 law schools in the Nation; such aspects of the law as those dealing with comparative law, Roman law, legal history, and legal philosophy would be legitimate humanistic studies.

4. Subsection (5) in section 2 was added to the declaration of purpose to emphasize that the practice of art and the study of the humanities requires constant and continuing dedication of purpose "and that, while no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry but also the material conditions facilitating the release of creative talent."

5. Language was added to section 5 to emphasize the need for standards of professional excellence in the arts, specifically to subsection (c)(1) the words "and the maintenance and encouragement of professional excellence"; to (c)(2) the words "meeting professional standards or standards of authenticity" to qualify the word "productions"; and to (c)(3) the words "and enable them to achieve standards of professional excellence" after the words "projects that will encourage and assist artists." The intent of these amendments is to give full recognition to the values which the professional practitioner brings to the arts; but the amendments are not intended to imply that worthwhile nonprofessional activities in the arts are not to be encouraged to their most beneficial potentials, or that worthwhile activities in the arts which combine the talents of professionals and nonprofessionals do not merit similar support. The committee endorses the concept that amateur interest in the arts is necessary to their well-being, that it can help create audiences for performances of high professional quality, and that this interest should be stimulated and encouraged in all possible ways.

6. In section 3(b) the words "but is not limited to" were added to the definition of the arts to make this definition conform in principle with the humanities definition, where an identical phrase is found. The intent, however, is that both these phrases should apply only to some future area of activity which the two Endowments might consider worthy of justified support. Dr. Barnaby Keeney, mentioned earlier in this report, pointed out that some new form of worthwhile artistic enterprise might develop during the lifetime of the Foundation, other than the major art forms now specified. The committee intends that if any additional subjects should be added to either definition, these should be fully explained and justified and published by Executive order in the Federal Register. At the same time, the committee intends that the present definitions be broadly applied to encompass the purposes of the act.

7. In section 5(c)(5), the word "research" was added to allow the National Endowment for the Arts to support appropriate research activities, in addition to relevant surveys and planning in the arts.

8. Subsection (j)(1) of section 5 was amended to make the language read as follows: "all professional *performers* and related or supporting *professional personnel*." The two italicized words were added. This subsection deals with fair employment standards contained in the act, and the words were added to avoid any possible ambiguity of meaning in the bill's original language. The professionals described are to be paid no less than the prevailing minimum compensation relating to their activities. The committee recognizes that such prevailing minimum compensation may vary in different localities and circumstances, and intends that appropriate fringe benefits should apply.

It is not the committee's intent that nonprofessional groups, assisted by this act, should in any way be required to hire professional personnel; they could continue their present practices with regard to the use of volunteers and amateurs.

In its report to the committee on S. 1483, the Department of Health, Education, and Welfare further would interpret this subsection as nonapplicable to regular faculty or the regular technical staff of educational institutions. The committee endorses this interpretation.

9. In subsection (j)(2) of section 5, the following language was added. "Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance." This amendment, suggested by the American Symphony Orchestra League, takes into consideration the regulations of the various States with respect to such laws.

10. In subsection (k) of section 5, technical amendments were approved to update the bill's language so that it would conform to the latest provisions of the Davis-Bacon Act.

11. Amendments were adopted which pertain to the technical transference of the National Council on the Arts, established by Public Law 88-579, to the National Endowment for the Arts, to eliminate the need for reappointment with regard to the Council, to increase the Council membership by 2, to 26 (sec. 6(d)(1)) and to make other conforming changes.

12. To make the National Council on the Humanities in S. 1483 conform with the National Council on the Arts, several amendments were approved:

a. The Council membership was increased to 26 in addition to the Chairman, in section 8(b). (See amendment 11.)

b. A quorum of 14 was established in subsection (d) of section 8, and the provision was made for this Council to meet not less often than twice during each calendar year. Such provision applies to the National Council on the Arts under the remaining applicable provisions of Public Law 88-579.

c. The following language was added to subsection (b) of section 8: "The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations concerned with the humanities." A similar provision for appointments to the National Council on the Arts remains applicable in Public Law 88-579.

13. Amendments were approved to make the term of office of the Chairmen of the two Endowments a 4-year term, and to make each



Chairman eligible for reappointment (subsec. (d)(2)(A) of sec. 5 and subsec. (b)(2) of sec. 7). Under the original provisions of S. 1483 no specific term of office was prescribed. The intent of the amendments is that the two Chairmen should have every opportunity to carry out consecutive and meaningful programs. The committee believes that the leadership of the two Endowments is of great importance, together with the caliber of the distinguished private citizens forming the membership of the National Council on the Arts and the National Council on the Humanities. In this respect, the subcommittee was greatly impressed by the testimony presented at the hearings by the Honorable Roger L. Stevens, present Chairman of the National Council on the Arts.

14. In keeping with recommendations made by leading representatives of the humanities, and to avoid a possible ambiguity of language, references to the arts in section 7, pertaining to the establishment of the National Endowment for the Humanities, were eliminated. The definition of the humanities was considered sufficiently broad to make such references to the arts in this section superfluous. Specifically, these references and their elimination pertain to the following subsections:

(3) "award fellowships and grants to institutions for training in the humanities [and the arts] \* \* \* "

(5) "foster, through grants and other arrangements with groups, public understanding and appreciation of the humanities [and the arts] \* \* \* "

(6) "support the publication of scholarly works in the humanities [and the arts] \* \* \* "

15. Related amendments were adopted in section 8(b), pertinent to the qualifications for membership on the National Council on the Humanities as follows: "Such members shall be selected on the basis of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of *scholars* and professional practitioners in the humanities [and the arts] *and of the public* throughout the United States." It is deemed proper that membership on this Council should not exclude qualified representatives of the humanities, who might be other than scholars or professional practitioners in the humanities—such as, for example, a leading member of the business community, or of other learned professions.

16. Clarifying language was adopted in section 10 (2) and (3) regarding administrative provisions and the authority of each Endowment to receive money and other property donated, bequeathed or devised from private sources to help carry out the purposes of the act. The clarifying language was worked out in cooperation with the House of Representatives Special Subcommittee on Labor, mentioned in this report. The Chairman of each Endowment has the authority to receive such gifts, both restricted and unrestricted. Unrestricted or unconditional gifts may be matched by Federal funds within the act's limitations described in the earlier summary of the bill in this report. Restricted or conditional gifts, such as those for carrying out a specific program of an Endowment, may be received; and the Chairman may use other funds for the purposes of the gift.

The original language of S. 1483 contained a provision that conditional gifts could be "matched." In practice this procedure could lead to difficulties in administration. For example, suppose a gift

of \$2,500 were made to stimulate a drama program in a particular locality, and the Endowment had already allocated \$2,500 for this same purpose as part of an ongoing program. Would the gift of \$2,500 be "matched," or would it be necessary to make an additional sum of \$2,500 available? Suppose, further, that a larger gift—for example \$10,000—were made to an Endowment for a specific purpose not covered by its ongoing program and a matching implication applied. This might lead to an Endowment realining its program in order to receive the conditional gift, and taking the \$10,000 amount from some other worthy activity it was supporting.

The amendment allows the two Endowments to receive and utilize conditional gifts and to use other available funds for the purposes of the gift. Only the "matching" implication, and the above difficulties in administration which could result from it, are eliminated.

17. In section 10(a) following subsection (8), language was added to cover all gifts, received to carry out the purposes of the act, which might be made to the Foundation, rather than to one of its Endowments, and to state that gifts to the Foundation or to its Endowments and received by the Chairman of an Endowment, pursuant to his authority, "shall be deemed to have been donated, bequeathed, or devised to or for the use of the United States." Gifts made to the overall Foundation were not covered in the original provisions of the bill.

18. In section 10, a new subsection (c) was added to allow the National Council on the Arts and the National Council on the Humanities to submit separate annual reports to the President for his transmittal to the Congress. The bill provides that the Chairman of each Endowment shall submit annual reports. The amendment gives the two Councils an opportunity to make further appropriate recommendations.

19. Fiscal limitations on the \$10 million to be equally divided between the two Endowments in section 11(a) were prescribed for 3 fiscal years, 1966, 1967, and 1968. Similar limitations were prescribed in sections 12 and 13 for the \$500,000 amount relevant to both these sections. The committee deemed it proper that a ceiling should be established with respect to these authorizations.

20. The following changes were made in the definition of the humanities, section 3(a):

"The term the 'humanities' includes, but is not limited to, the study of the following: \* \* \* the history, criticism, [and] theory *and practice* of the arts; [the creative and the performing arts;] \* \* \*"

Leading representatives of the humanities pointed out that the arts are often practiced in conjunction with their study, as in music, painting, or drama courses, for example. The amended language takes this factor into consideration and eliminates the possible ambiguity in the phrase "the creative and the performing arts."

21. A technical amendment was approved to make Public Law 88-579, establishing the National Council on the Arts, fully in conformance with S. 1483, by which the council is transferred to the National Endowment on the Arts; and to equalize provisions for the National Council on the Arts and the National Council on the Humanities:

a. The Arts Council quorum is increased from 13 to 14, because the subcommittee approved an amendment, endorsed by the committee, increasing the Council membership by 2 members. (Simi-

larly, the Humanities Council membership is increased by 2 members and its quorum established at 14.)

b. Section 7(d) of Public Law 88-579, dealing with annual reports of the National Council on the Arts, is repealed. Such reports are now covered by the provisions in S. 1483, section 10 (b) and (c).

c. Section 10 of Public Law 88-579, dealing with the expenses of the National Council on the Arts, is repealed. Such administrative expenses, relating both to the Arts Council and the Humanities Council, are covered in S. 1483.

22. A new section 14, at the end of the act, was approved to request that the President make such appointments (including any nomination) as are provided for in the act within 90 days of its enactment. The amendment was approved so that the Foundation could begin its important activities with all appropriate dispatch.

### FURTHER CLARIFICATIONS

1. The committee wishes to emphasize section 4(c) of the act: "In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association."

The concept of this subsection is given further emphasis by section 2(1) which recognizes the primary importance of private and local initiative in regard to the encouragement and support of national progress and scholarship in the humanities and the arts. The principle is further developed by providing that the advisory bodies of the two Endowments shall consist of distinguished private citizens. It is the responsibility of the seven governmental members of the Federal Council on the Arts and the Humanities to promote cooperation between the two Endowments; but the Federal Council thus constituted has no authority to direct or control the policies and programs of the two Endowments.

2. The committee believes it is important that acknowledged community leaders in the arts and humanities will be significantly included in implementing contributions to the purposes of the act. Respected leaders of arts organizations and in the field of scholarship, as well as civic leaders experienced in cultural areas, should be given opportunity to help implement the activities of the two Endowments. In this respect, the committee believes that all appropriate use should be made of the panels of experts and consultants prescribed for in section 10(5), so that the act can best serve community needs throughout the United States.

3. In his testimony at the hearings before the subcommittee, Harold Weston, Chairman of the National Council on the Arts and Government, stated: "In drafting legislation dealing with the arts, it is particularly important for the States not to place legal barriers in the way of regional cooperation. Many arts organizations quite naturally serve the interests of an area much larger than the State in which they are physically located. The Tyrone Guthrie Theater in Minneapolis, for instance, draws its audiences from several surrounding States and Canada." In endorsing the concept of this statement, the committee believes that cooperation among the States in their activities to benefit the arts can significantly serve the purposes of

the act. Also, the committee believes that the standards enumerated in section 5(c) of the act can provide, helpful guidelines for State activities in the arts.

4. In his testimony before the subcommittee, Dr. Albert Bush-Brown, president of the Rhode Island School of Design and member of the National Council on the Arts, stated: "What we need is support for education in those disciplines of humanities and art that are essential to industry and to the making of fine cities." The committee believes that good industrial design can enhance the Nation's prosperity, both in terms of home markets and foreign markets, and that the Foundation can contribute to the advancement of this concept. Moreover, the committee believes that interdisciplinary cooperation among leading artists and scholars—in such fields as architecture, sociology, environmental and behavioral studies—can have an important and constructive effect on the growth of fine cities. An architect needs a knowledge of history, a sociologist's contributions are enhanced by a knowledge of philosophy. The intent of this act is not only to help develop excellence in the various fields of the arts and humanities, but to encourage cooperation among them in the interests of the national welfare, present and future.

5. Activities of museums which could be supported by this act would be those which relate to the comprehensive definitions of the arts and humanities in S. 1483. Museums primarily emphasizing exhibitions of excellence in the arts could be assisted by the Arts Endowment. Museums, conducting educational courses, could be assisted by the Humanities Endowment. As needed, the Federal Council on the Arts and the Humanities, in accord with its responsibilities of insuring proper cooperation between the two Endowments, could assist in determining how the purposes of the act could best be served with regard to which Endowment could assist a particular qualified museum in the most appropriate fashion.

#### PERTINENT STATISTICAL INFORMATION (TAKEN FROM THE HEARINGS)

"Of the millions of Federal dollars granted for research every year, over 70 percent is expended on projects in the physical sciences (including mathematics and engineering), about 25 percent in the life sciences (biological, medical, and agricultural), and perhaps 1 percent on the social sciences. The humanities are, with a few exceptions, forgotten. To call the relationship an imbalance would indeed be an understatement. \* \* \* " (Alvin C. Eurich, president, Aspen Institute for Humanistic Studies, in Colorado.)

Office of Education figures show that 1 out of 15 receiving a bachelor's degree in the sciences goes on to a doctor's degree, tantamount to a full teaching commitment.

Of bachelor degree recipients in the humanities, only 1 out of 45 (or 300 percent less) go on to doctoral degrees in the humanities.

"One must conclude that the undergraduates studying the humanities a decade from now will be less well taught than students in other fields \* \* \* " (Dr. Barnaby C. Keeney, Chairman, Commission on the Humanities.)

Only about 2 percent of the U.S. philanthropic dollar now goes to cultural programs of all kinds, and this amount is becoming in-

creasingly inadequate to meet the burgeoning and new desires of our citizens for a greater exposure to artistic excellence. (From statistics received from Roger L. Stevens and printed in the hearings, and from statistics contained in the Rockefeller Panel report also printed in the hearings.)

## SECTION-BY-SECTION ANALYSIS

### *Section 1. Short title*

This section provides that the act may be cited as the "National Foundation on the Arts and the Humanities Act of 1965."

### *Section 2. Declaration of purpose*

In this section the congressional findings and declaration of policy are set forth.

### *Section 3. Definitions*

This section defines the following terms for the purposes of the act.

"Humanities" includes, but is not limited to, the study of the following: language, both modern and classic, and linguistics; literature, history, jurisprudence, and philosophy; archeology; the history, criticism, theory and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

"The arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms.

"Production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, and tape and sound recordings. It also includes any other artistic activity which meets standards approved by the National Endowment for the Arts (established by sec. 5).

"Project" means programs organized to carry out the purposes of the act, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents (when carried on as a part of a program otherwise included in this definition), and to develop and enhance public knowledge and understanding of the arts. The term also includes, where appropriate, the rental, purchase, renovation, or construction of facilities, the purchase or rental of land, and the acquisition of equipment.

"Group" includes any State or other public agency, and any non-profit society, institution, organization, association, museum, or establishment in the United States, whether or not incorporated.

"State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

*Section 4. Establishment of a National Foundation on the Arts and the Humanities*

This section establishes a National Foundation on the Arts and the Humanities (referred to as the "Foundation"). The Foundation will be composed of a National Endowment for the Arts, a National Endowment for the Humanities, and a Federal Council on the Arts and the Humanities. The purpose of the Foundation is to develop and promote, pursuant to the act, a broadly conceived national policy of support for the humanities and the arts in the United States. In the administration of the act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

*Section 5. Establishment of the National Endowment for the Arts*

Section 5 establishes within the Foundation a National Endowment for the Arts headed by a Chairman who is to be known as the Chairman of the National Endowment for the Arts.

Subsection (c) authorizes the Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National Council on the Arts, to establish and carry out a program of grants-in-aid to groups or, in appropriate cases, to individuals engaged in or concerned with the arts. The purpose of the program is to enable groups and individuals to provide or support in the United States (1) productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence; (2) other productions, irrespective of origin, which meet professional standards or standards of authenticity and are of significant merit, and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country; (3) projects that will encourage and assist artists and enable them to achieve standards of professional excellence; (4) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens; and (5) other relevant projects, including surveys, research, and planning in the arts.

Subsection (d) provides that the Chairman of the National Council on the Arts, appointed under the National Arts and Cultural Development Act of 1964, Public Law 88-579, shall also serve as the Chairman of the National Endowment for the Arts and that he shall receive compensation at the same rate prescribed by law for the Director of the National Science Foundation. This subsection also provides that the term of office of this Chairman shall be 4 years, and that he shall be eligible for reappointment.

Subsection (e) provides that no payment may be made to any group under this section except upon application therefore which is submitted to the National Endowment for the Arts in accordance with regulations and procedures established by the Chairman.

Subsection (f) provides that the total amount of any grant to any group pursuant to subsection (c) of this section may not exceed 50 percent of the total cost of the project or production. However, not more than 20 percent of the funds allotted by the National Endowment for the Arts for making grants under subsection (c) for any fiscal year may be available for such grants in that fiscal year without regard to the 50-percent limitation in the case of any group which

submits to the Endowment (1) evidence that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by that group, and (2) a statement of the proportion which any funds it has secured represents of the funds applied for by the group.

Subsection (g) provides that a group may be eligible for financial assistance pursuant to this section only if (1) it is a nonprofit group, and (2) donations to the group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

Subsection (h) authorizes the Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National Council on the Arts, to carry out a program of grants-in-aid to assist States in supporting existing projects and productions which are making a significant public contribution in one or more of the arts, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the States. In order to receive such assistance, a State must submit an application and accompany the application with a plan. The Chairman must find that the plan—

(A) designates or provides for the establishment of a State agency as the sole agency for the administration of the State plan;

(B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of this subsection, except that in the first fiscal year in which the State is allotted funds, a plan may provide that not to exceed \$25,000 of the funds will be expended solely to conduct a survey in order to study and develop plans for the establishment of a State agency in the State, and to execute these plans; and

(C) provides that the State agency will make such reports, in such form and containing such information, as the Chairman may from time to time require.

Each State which has a plan approved by the Chairman shall be entitled to a maximum allotment in any such fiscal year of an amount equal to the amount resulting after dividing the total amount appropriated to the National Endowment for the Arts for the purposes of this subsection for that fiscal year by the total number of States. In the event that any sum is remaining out of the maximum allotment available under this paragraph for grants to each State in any fiscal year after all allotments are made to States with approved plans in effect on the first day of that fiscal year, the aggregate of such remaining sums or any portion of them shall be available to match any amounts (in excess of \$2,250,000) which are donated, bequeathed, or devised to the Endowment pursuant to section 10(a)(2). The amount of any grants allotted to any State or State agency pursuant to this subsection for any project or production may not exceed 50 percent of the total cost of the project or production, except that this limitation shall not be applicable in the case of funds expended to conduct a survey in order to study and develop plans for the establishment of a State agency, and to execute plans developed under such a survey.

Subsection (i) sets forth the circumstances under which grants to a group or to a State agency may be terminated, providing there has been reasonable notice and opportunity for a hearing.

Subsection (j) provides for the payment of not less than the prevailing minimum compensation (as determined by the Secretary of Labor) to professional performers and related or supporting professional personnel (other than laborers and mechanics with respect to whom labor standards are prescribed in subsec. (k)) employed on projects or productions which are financed under this section. Projects or productions which are financed under this section must also be performed or engaged in under working conditions which are not unsanitary and which are not hazardous or dangerous to the health and safety of the employees engaged in the project or production.

Subsection (k) provides for the payment of not less than prevailing wages to laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section.

Subsection (l) requires the Chairman to correlate the programs of the National Endowment for the Arts, insofar as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and to develop the programs of the Endowment with due regard to the contribution to the objectives of this act which can be made by other Federal agencies under existing programs.

#### *Section 6. Transfer of the National Council on the Arts*

Subsection (a) provides that the National Council on the Arts, established by the National Arts and Cultural Development Act of 1964, and its functions, are transferred from the Executive Office of the President to the National Endowment for the Arts.

Subsection (b) provides that the National Council on the Arts shall, in addition to performing duties and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, (1) advise the Chairman with respect to carrying out his functions, duties, or responsibilities pursuant to the provisions of this act, and (2) review applications for financial assistance made under this act and make recommendations thereon to the Chairman. The Chairman may not approve or disapprove any application until he has received the recommendation of the Council on the application, unless the Council fails to make a recommendation thereon within a reasonable time.

Subsection (c) abolishes the function of the Secretary of the Smithsonian Institution with respect to serving as an ex officio member of the National Council on the Arts. At present, this function is derived from section 5(a) of the National Arts and Cultural Development Act of 1964.

Subsection (d) makes minor technical and conforming amendments to the National Arts and Cultural Development Act of 1964.

Subsection (e) provides that except as inconsistent with the provisions of this act, the provisions of the National Arts and Cultural Development Act of 1964 shall be applicable with respect to the Chairman and the National Council on the Arts insofar as necessary for, or incidental to, carrying out the objectives of this act.

#### *Section 7. Establishment of the National Endowment for the Humanities*

This section establishes within the Foundation a National Endowment for the Humanities. It provides that the Endowment shall be headed by a Chairman appointed by the President by and with the advice and consent of the Senate. The Chairman shall receive



compensation at the rate prescribed by law for the Director of the National Science Foundation. The term of office of the Chairman shall be 4 years, and the Chairman shall be eligible for reappointment. These same provisions apply to any person appointed to fill a vacancy in the office of the Chairman.

Subsection (c) sets forth the authority of the Chairman. With the advice of the Federal Council on the Arts and the Humanities and the National Council on the Humanities, the Chairman is authorized (1) to develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities; (2) to initiate and support research and programs to strengthen the research potential of the United States in the humanities by making arrangements with individuals or groups to support such activities; (3) to award fellowships and grants to institutions or individuals for training in the humanities; (4) to foster the interchange of information in the humanities; (5) to foster, through grants or other arrangements with groups, public understanding and appreciation of the humanities; and (6) to support the publication of scholarly works in the humanities (without regard to certain provisions of law which require that printing for Federal agencies be done at the Government Printing Office).

Subsection (d) requires the Chairman to correlate the programs of the National Endowment for the Humanities, insofar as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and to develop the programs of the Endowment with due regard to the contribution to the objectives of this act which can be made by other Federal agencies under existing programs.

#### *Section 8. Establishment of the National Council on the Humanities*

This section establishes in the National Endowment for the Humanities a National Council on the Humanities. The Council is to be composed of the Chairman of the National Endowment on the Humanities (who will be the Chairman of the Council) and 26 other members appointed by the President from private life. These members will be selected on the basis of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of scholars and professional practitioners in the humanities and of the public throughout the United States. The President is requested, in the making of these appointments, to give consideration to any recommendations which may be submitted to him by leading national organizations concerned with the humanities. Provision is made for the term of office and the compensation of members of the Council, and for meetings of the Council.

Subsection (f) describes the duties of the Council. The Council is to (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, and (2) review applications for financial support and make recommendations thereon to the Chairman. The Chairman may not approve or disapprove an application until he has received the Council's recommendation unless the Council fails to make a recommendation on the application within a reasonable time.

*Section 9. Establishment of the Federal Council of the Arts and the Humanities*

This section establishes within the Foundation a Federal Council on the Arts and the Humanities. The Council is to be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the U.S. Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, and a member designated by the Secretary of State. The President will designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.

Subsection (c) describes the duties of the Council. The Council is required (1) to advise and consult with the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities on major problems arising in carrying out the purposes of the Foundation; (2) to coordinate, by advice and consultation, so far as is practicable, the policies and operations of the National Endowment for the Arts and the National Endowment for the Humanities, including appropriate joint support of activities; (3) to promote coordination between the programs and activities of the Foundation and related programs and activities of other Federal agencies; and (4) to plan and coordinate appropriate participation (including productions and projects) in major and historic national events.

*Section 10. Administrative provisions*

This section provides the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities with necessary administrative authority for carrying out their respective functions. Included are provisions relating to the receipt of donations, bequests, and devises, and for the making of reports to the President for transmittal to the Congress.

*Section 11. Authorization of appropriations*

Subsection (a) provides that for the purpose of carrying out sections 5(c) and 7(c) (grants by the National Endowment for the Arts and by the National Endowment for the Humanities) and the functions transferred by section 6(a) (the functions of the National Council on the Arts), there is authorized to be appropriated for the fiscal year ending June 30, 1966, and each of the 2 succeeding fiscal years the sum of \$10 million. For the fiscal year ending June 30, 1969, however, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums appropriated under the authority of the subsection must be equally divided between the Endowments of the Foundation, and they will remain available until expended.

Subsection (b) authorizes an additional appropriation to each Endowment of an amount equal to the total of amounts donated, bequeathed, and devised to that Endowment pursuant to section 10(a)(2). Amounts so appropriated to the National Endowment for the Arts may not exceed \$2,250,000 for any fiscal year, and amounts so appropriated to the National Endowment for the Humanities may not exceed \$5,000,000 for any fiscal year. Amounts appropriated to

an Endowment under this subsection will remain available until expended.

Subsection (c) authorizes the appropriation to the National Endowment for the Arts of the sum of \$2,750,000 for each fiscal year, beginning with the fiscal year 1966, for use in carrying out its activities authorized by section 5(h). Sums appropriated under this subsection will remain available until expended.

Subsection (d) authorizes the appropriation of such sums as may be necessary to administer the provisions of the act.

*Section 12. Financial assistance for strengthening instruction in the humanities and the arts*

Section 12 establishes a program of financial assistance for strengthening instruction in the humanities and the arts. This program is similar in some respects to the program of financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects which is now being carried out under title III of the National Defense Education Act of 1958.

Subsection (a) authorizes an appropriation of \$500,000 to the Commissioner of Education for the fiscal year ending June 30, 1966, and for each of the 2 succeeding years. For the fiscal year ending on June 30, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. The sums so appropriated may be used for (1) making payments to State educational agencies for the acquisition of equipment (suitable for use in providing education in the humanities and the arts) and for minor remodeling (described in subsec. (c)(1) of this section), and (2) making loans authorized in subsection (f) of this section.

Subsection (b) provides that sums appropriated pursuant to subsection (a) shall be allotted in the same manner as is provided in subsections (a) and (c) of section 302 of the National Defense Education Act of 1958. Up to 2 percent of the sums appropriated under subsection (a) will be reserved by the Commissioner for making allotments among the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands. The Commissioner will also reserve 12 percent of the sums appropriated under subsection (a) for making loans to nonprofit private schools pursuant to subsection (f). The remainder of the sums appropriated will be allotted among the States of the Union and the District of Columbia on the basis of a formula which takes into consideration school-age population and income per child of school age. Sums which have been allotted to a State for any fiscal year but which are not required by that State for that fiscal year will be available for reallocation.

Subsection (c) provides that a State which desires to receive payments under this section must submit to the Commissioner of Education through its State educational agency a State plan which meets the requirements of section 1004(a) of the National Defense Education Act of 1958 (relating to administration of the plan by the State educational agency, the making of reports, and provision for adequate fiscal control and fund accounting procedures). The plan must also—

(1) set forth a program under which funds paid to the State will be expended solely for projects approved by the State educational agency for (A) acquisition of special equipment (other than supplies consumed in use), including audiovisual materials and equipment, and printed and published materials

(other than textbooks), suitable for use in providing education in the humanities and the arts, and (B) minor remodeling of laboratory or other space used for such materials or equipment;

(2) set forth principles for determining the priority of projects in the State for assistance under this section and provide for undertaking those projects, insofar as financial resources available therefor make possible, in the order determined by the application of these principles;

(3) provide an opportunity for a hearing before the State educational agency to any applicant for a project under this section; and

(4) provide for the establishment of standards on a State level for special equipment acquired with assistance furnished under this section.

Subsection (d) provides that the Commissioner shall approve any State plan or modification of a State plan which complies with subsection (c). It also states that the provisions of subsections (b) and (c) of section 1004 of the National Defense Education Act of 1958 shall apply to this section 12 in the same manner that they apply to State plans under that act. These provisions require the Commissioner to afford reasonable notice and an opportunity for a hearing before disapproving a State plan or any modification of a State plan, and they set forth the procedures to be followed by the Commissioner in the event that a State plan is so changed as to no longer comply with the act or in the event that in the administration of the plan there is a failure to comply substantially with any provision of the State plan.

Subsection (e) provides that payments to States from allotments made under subsection (b) shall be made in the same manner as is provided for in section 304 of the National Defense Education Act of 1958. Section 304 of the NDEA provides that from a State's allotment for a fiscal year, the Commissioner shall from time to time pay to that State an amount equal to one-half of the expenditures for projects for the acquisition of equipment and minor remodeling which are carried out under its approved State plan.

Subsection (f) provides that the Commissioner shall allot and administer loans to nonprofit private schools in the same manner as is provided for in section 305 of the National Defense Education Act of 1958. Section 305 provides that funds reserved for making loans to private schools shall be allotted among the States on the basis of the number of persons in each State who are enrolled in private nonprofit elementary and secondary schools. It also provides that from the sums so allotted, the Commissioner may make loans to private nonprofit elementary and secondary schools for the same purposes for which payments may be made to States under the program. Finally, section 304 outlines the terms on which these loans are to be made.

### *Section 13. Teacher training institutes*

Subsection (a) authorizes an appropriation to the Commissioner of Education for the fiscal year ending June 30, 1966, and each of the 2 succeeding years, of \$500,000. For the fiscal year ending on June 30, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. These sums are to be used to enable the Commissioner of Education to arrange, through grants or contracts, with institutions of higher education for

the operation by them within the United States of short-term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, of such subjects as will in the judgment of the Commissioner, after consultation with the Chairman of the National Endowment for the Humanities, strengthen the teaching of the humanities and the arts in elementary and secondary schools.

Subsection (b) provides that each individual who attends an institute operated under the provisions of this section shall be eligible (after application therefor) to receive a stipend at the rate of \$75 per week for the period of his attendance at the institute, and that each such individual with one or more dependents shall receive an additional stipend at the rate of \$15 per week for each dependent.

*Section 14. Presidential appointments*

This section requests the President to make appointments provided for in the act within 90 days after the enactment of the act.

### CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

### NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

Public Law 88-579 (78 Stat. 905 et seq.)

\* \* \* \* \*

#### MEMBERSHIP OF THE COUNCIL

SEC. 5. (a) The Council shall be composed of the Chairman provided for in section 6 of this Act, the Secretary of the Smithsonian Institution, *ex officio*, and [twenty-four] *twenty-six* members appointed by the President. Such members shall be selected (1) from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest in the arts; (2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and (3) so as collectively to provide an appropriate distribution of membership among the major art fields. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in these fields.

(b) Each member of the Council shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office *prior to May 31, 1965*, shall expire, as designated by the President at the time of appointment,

eight at the end of the second year, eight at the end of the fourth year, and eight at the end of the sixth year after the date of enactment of this Act. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term.

(c) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

#### CHAIRMAN OF THE COUNCIL

SEC. 6. (a) The President shall appoint, by and with the advice and consent of the Senate, a Chairman of the Council (hereinafter referred to as the "Chairman") from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, the arts. In addition, he shall advise the President with respect to the activities of the Federal Government in the arts. If a vacancy occurs in the office of the Chairman the President shall fill the vacancy in the same manner in which the original appointment was made.

(b) [The Chairman shall serve at the pleasure of the President, but not in excess of eight consecutive years, and shall not be eligible for reappointment during the four-year period following the expiration of his last period of service as Chairman.] *The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment.* The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of the Chairman.

\* \* \* \* \*

#### DUTIES AND RESPONSIBILITIES OF THE COUNCIL

SEC. 7. (a) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. [Thirteen] *Fourteen* members of the Council shall constitute a quorum.

(b) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) propose methods to encourage private initiative in the arts, (3) advise and consult with local, State, and Federal departments and agencies, on methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts, both nationally and internationally, in the best interests of our country, and (4) conduct studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts may be encouraged and promoted in the best interests of the Nation's artistic and cultural progress, and a greater appreciation and enjoyment of the arts by our citizens can be encouraged and developed.

(c) In selecting subjects to be studied pursuant to subsection (b) of this section, the Council (1) shall consider requests submitted to it by the heads of departments and agencies of the Federal Government, and (2) may obtain the advice of any interested and qualified persons and organizations. In making its studies pursuant to such subsection, the Council may obtain assistance from such committees and panels as may be appointed by the Chairman from among those persons professionally qualified in the fields of art with which such studies are concerned, who are recommended to him by the Council.

[(d) Not later than ninety days after the end of each fiscal year, the Council shall submit to the President and the Congress an annual report setting forth its activities pursuant to subsection (b) of this section. In addition, the Council shall submit to the President reports and recommendations with respect to its activities at such time or times as the President shall request or the Council deems appropriate. The President shall transmit such recommendations as he may deem fit, together with his comments thereon, to the Congress.]

\* \* \* \* \*

#### [EXPENSES OF THE COUNCIL]

[SEC. 10. There are hereby authorized to be appropriated to the Council such sums as may be necessary, not to exceed \$150,000, to carry out the purposes of this Act.]

\* \* \* \* \*

Provisions of the National Arts and Cultural Development Act of 1964 which in effect are modified by the bill, as reported, but are not directly amended thereby, are shown in roman, and the pertinent provisions of the bill are shown in italic, as follows:

#### SECTION 4 OF THE NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

SEC. 4. There is hereby established in the Executive Office of the President a National Council on the Arts (hereinafter referred to as the "Council").

#### SECTION 6(a) OF THE BILL S. 1483

*SEC. 6. (a) The National Council on the Arts, established by the National Arts and Cultural Development Act of 1964, and its functions, are transferred from the Executive Office of the President to the National Endowment for the Arts.*

#### SECTION 5(a) OF THE NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

SEC. 5. (a) The Council shall be composed of the Chairman provided for in section 6 of this Act, the Secretary of the Smithsonian Institution, ex officio, and \* \* \*.

#### SECTION 6(c) OF THE BILL S. 1483

*(c) The function of the Secretary of the Smithsonian Institution with respect to serving as an ex officio member of the National Council on the Arts, now derived from section 5 (a) of the National Arts and Cultural Development Act of 1964, is hereby abolished.*

SECTION 6(c) OF THE NATIONAL ARTS AND CULTURAL DEVELOPMENT  
ACT OF 1964

(c) The Chairman shall receive compensation at the rate of \$21,000 per annum, and shall be reimbursed for travel and subsistence expenses incurred by him while away from his home or regular place of business in accordance with the Travel Expense Act of 1949, as amended (5 U.S.C. 836-842), and the Standardized Government Travel Regulations.

## SECTION 5(d)(1) OF THE BILL S. 1483

*(d)(1) In addition to performing any of the functions, duties, and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, Public Law 88-579, approved September 3, 1964, the individual appointed under such Act as Chairman of the National Council on the Arts shall serve as the Chairman of the National Endowment for the Arts. In lieu of receiving compensation at the rate prescribed by section 6(c) of such Act, such individual serving as Chairman of the National Council on the Arts and Chairman of the National Endowment for the Arts shall receive compensation at the same rate prescribed by law for the Director of the National Science Foundation.*

